# EXHIBIT 9

Please reply to:

San Francisco

June 9, 2008



#### VIA ELECTRONIC MAIL

ALL INDIRECT PURCHASER PLAINTIFFS' COUNSEL [SEE ATTACHED SERVICE LIST]

Re: In re Cathode Ray Tubes (CRT) Antitrust Litigation, MDL 1917
Time and Cost Reporting

Dear Counsel:

As you are aware, this firm has been appointed as Interim Lead Counsel for the indirect purchaser plaintiffs in this multidistrict litigation.

Among other things, our duties as Lead Counsel require us to collect reports of contemporaneously-prepared attorney and paralegal time and costs records from each plaintiff firm.

Each firm will be responsible for transmitting its attorney and paralegal time and costs records on a quarterly basis as follows:

- 1. Time and costs reports are to be submitted electronically to Stephen J. Pelleriti, CPA at <a href="mailto:sjpcpa@earthlink.net">sjpcpa@earthlink.net</a>, by the 15th of the month following the end of the previous quarter. For example, for the July-September quarter, time and cost reports will be due on October 15th.
- 2. Each firm's time report should include a summary of that firm's lodestar in Microsoft Excel spreadsheet format identifying the timekeeper, the timekeeper's position, their billing rate and their total hours for that quarter. A template is provided herewith.
- 3. Each firm's time report should also include copies of each individual attorney and paralegal's daily time entries. These entries should include the date, a detailed description of the specific work performed, the time spent, and the applicable rate. These entries may be in whatever format you use to record your time. We have no preference as to the format used for these reports.

2280 Union Street San Francisco, CA 94123 (415) 563-7200 FAX (415) 346-0679 Indirect Purchaser Plaintiffs' Counsel Re: Time and Cost Reporting Page 2 of 2

- 4. Cost and expenses for computer-assisted legal research, copying and printing, meals and travel, fax, telephone delivery and other charges should be recorded using actual cost figures. A template for cost reporting is provided herewith.
- 5. Litigation support costs for expert fees, special computer installations, courtroom exhibits, and the like require clearance from Interim Lead Counsel before they are incurred.

We will begin collecting each firm's quarterly time reports following the end of the current April-June quarter. This first report should include your firm's time from inception of this case through June 30, 2008. Please submit these records in accordance with the above protocol via e-mail to Stephen Pelleriti, CPA at <a href="mailto:sipcpa@earthlink.net">sipcpa@earthlink.net</a> by no later than July 15, 2008.

We will be making work assignments to those firms that have submitted their time and expenses in compliance with this letter.

Thank you for your anticipated cooperation in this matter. We look forward to working with you.

Very truly yours,

Lauren C. Russell

cc: Stephen J. Pelleriti, CPA (via e-mail)

From:

Francis O. Scarpulla

Sent:

Monday, March 02, 2015 10:25 AM

To:

Monica J. Steele

Subject:

RE: CRT

How do we get it? What's the name of the accounting firm that keeps the data? Fran.

From: Monica J. Steele

Sent: Monday, March 02, 2015 10:14 AM

**To:** Francis O. Scarpulla **Subject:** RE: CRT

Hi Fran, nope they never responded.

From: Francis O. Scarpulla

Sent: Thursday, February 26, 2015 1:03 PM

To: Monica J. Steele

Subject: CRT

Monica: Were you ever able to get the lodestar report from the outside accounting firm that is keeping it? Fran

From:

Monica J. Steele

Sent:

Monday, March 02, 2015 10:30 AM

To:

Francis O. Scarpulla

Subject:

FW: CRT/Zelle Hofmann Reports

Fran, I don't know the name of the accounting firm, but Stephen's email address is below. This is who I send our reports to, and who I sent the request for totals.

Thanks, Monica

From: Monica J. Steele

Sent: Monday, February 09, 2015 2:57 PM

To: sipcpa@earthlink.com

Subject: RE: CRT/Zelle Hofmann Reports

Hi Stephen,

Would you please forward to me a spreadsheet with total hours/fees/costs from inception through December 31, 2014

for all firms?

Thanks, Monica

From: Monica J. Steele

Sent: Thursday, January 29, 2015 11:54 AM

To: <a href="mailto:sjpcpa@earthlink.com">sjpcpa@earthlink.com</a>
Cc: Capurro (Russell), Lauren

Subject: CRT/Zelle Hofmann Reports

Stephen,

Attached are Zelle Hofmann's fee and cost reports for the October 1 - December 31, 2014 period.

Thank you,



Monica Steele Legal Administrative Assistant/Paralegal

44 Montgomery Street, Suite 3400 San Francisco, CA 94104 website | map D (415) 633-1927 F (415) 693-0770

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Sent: To:	Monica J. Steele <msteele@zelle.com> Tuesday, May 05, 2015 1:19 PM Francis Scarpulla FW: CRT/Zelle Hofmann Reports</msteele@zelle.com>
Hi Fran,	
Stephen did not respond to my request. The outside accounting firm contact is Stephen at <a href="mailto:sipcpa@earthlink.com">sipcpa@earthlink.com</a>	
Thanks, Monica	
From: Monica J. Steele Sent: Monday, February 09, 2015 2:57 PM To: sjpcpa@earthlink.com Subject: RE: CRT/Zelle Hofmann Reports	
Hi Stephen, Would you please forward to me a spreadsheet with total hours/fees/costs from inception through December 31, 2014 for all firms?	
Thanks, Monica	
From: Monica J. Steele Sent: Thursday, January 29, 2015 11:54 AM To: sjpcpa@earthlink.com Cc: Capurro (Russell), Lauren Subject: CRT/Zelle Hofmann Reports	
Stephen,	
Attached are Zelle Hofmann's fee and cost reports for the October 1 – December 31, 2014 period.	
Thank you,	
X	Monica Steele Legal Administrative Assistant/Paralegal
44 Montgomery Street, Suite 3400 San Francisco, CA 94104  Boston • Dallas • Minneapolis • San Fran	website   map D (415) 633-1927 F (415) 693-0770 ncisco ■ Washington, DC ■ London ■ Beijing*

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#### **Cate Cusick**

From: Monica J. Steele <MSteele@zelle.com>

**Sent:** Tuesday, May 19, 2015 11:09 AM

To: sjpcpa@earthlink.com

Cc: Capurro (Russell), Lauren; Christopher T. Micheletti; Francis Scarpulla

Subject: CRT Reports

Attachments: Zelle Reports.pdf; Scarpulla Reports.pdf

To: CRT Antitrust Litigation Time and Expense Administrator:

On March 21, 2015, Francis O. Scarpulla withdrew from Zelle Hofmann to resume his previous practice at the Law Offices of Francis O. Scarpulla (LOFOS). Pursuant to agreement, Zelle Hofmann has assigned to LOFOS 50% of Fran Scarpulla's personal lodestar in this case generated while Fran was a partner with Zelle Hofmann from case inception to March 21, 2015. Zelle Hofmann's expense reports are not affected by the assignment. Zelle Hofmann and LOFOS submit the attached time and lodestar spreadsheets to reflect this assignment. In general, the assignment results in the following adjustments:

- Total Zelle lodestar through March 31, 2015 (before LOFOS assignment) = \$9,652,495.00 (16,759.00 hours)
- New total Zelle lodestar through March 31, 2015 (after LOFOS assignment) = \$9,440,206.25 (16,753.15 hours)
- Total LOFOS lodestar through March 31, 2015 = \$212,288.75 (185.85 hours)

Going forward, Zelle Hofmann and LOFOS will submit separate time and expense reports in this matter. Please let us know if you have any questions.

From:

Chris Micheletti Zelle Hofmann Fran Scarpulla

Law Offices of Francis O. Scarpulla



Monica Steele

Legal Administrative Assistant/Paralegal

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From:

Monica J. Steele < MSteele@zelle.com>

Sent:

Wednesday, June 10, 2015 11:18 AM

To:

Francis Scarpulla

Subject:

**RE: Time Reports for CRT** 

Hi Fran,

Stephen Pelleriti is the person we send our reports to. His email address is: sipcpa@earthlink.com

Lauren Capurro is the attorney from Trump Alioto that I "cc" the time reports to. Her email address is: <a href="mailto:laurenrussell@tatp.com">laurenrussell@tatp.com</a>

I hope all is well at your new office space. I miss seeing you.

Take care, Monica

**x** 

Monica Steele Legal Administrative Assistant/Paralegal

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From: Francis Scarpulla [mailto:fos@scarpullalaw.com]

Sent: Tuesday, June 09, 2015 12:54 PM

To: Monica J. Steele

Subject: Time Reports for CRT

Hi Monica. Do you have the contact info for the entity where the time/expense reports in CRT are to be sent? Fran

From:

Monica J. Steele < MSteele@zelle.com>

Sent:

Tuesday, August 25, 2015 3:30 PM

To:

Francis Scarpulla

Subject:

RE: CRT

Hi Fran.

I have not received a response to my email I hope all is well. Here is the email to Stephen, we send our reports to him.

## sjpcpa@earthlink.com

Thanks, Monica

×

Monica Steele Legal Administrative Assistant/Paralegal

> website | map D (415) 633-1927 F (415) 693-0770

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x

From: Francis Scarpulla [mailto:fos@scarpullalaw.com]

Sent: Friday, August 21, 2015 2:42 PM

**To:** Monica J. Steele **Cc:** Craig C. Corbitt **Subject:** CRT

Hi Monica. Did you ever get any response from the accounting firm about the Time and Expense reports we asked for? If not, do you have the email address so that I can request it once again. Thanks. Fran.

#### Cate Cusick

From: Francis Scarpulla

Thursday, August 20, 2015 2:32 PM Sent:

To: Mario Alioto Subject: RE: CRT

I am entitled to it as one of the counsel in the case. I can ask the judge to give it to me if you do not want to. Next Wednesday does not work for me. I am available on that Friday.

From: Mario Alioto [mailto:MAlioto@TATP.com]

Sent: Thursday, August 20, 2015 2:27 PM To: Francis Scarpulla <fos@scarpullalaw.com>

Subject: RE: CRT

The information you have requested is being reviewed. Can you tell me why you need to review the information.

If you like, we can discuss this next week. I also need to discuss your fee declaration with you.

Are you available next Wednesday afternoon at 2 pm for a call.

Mario N. Alioto TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP 2280 Union Street San Francisco, CA 94123 Telephone:415 447-1650 Facsimile:415 346-0679

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by e-mail and delete the message and any attachments.

From: Francis Scarpulla [mailto:fos@scarpullalaw.com]

Sent: Wednesday, August 19, 2015 10:45 AM

To: malioto@tatp.com Subject: FW: CRT

From: Francis Scarpulla

Sent: Wednesday, August 19, 2015 10:45 AM To: 'malioto@tatp.co' <malioto@tatp.co>

Subject: CRT

Mario:

I have asked the accounting firm for copies of all reported time in this case, but have not received the curtesy of a reply. Please ask that firm to send me the time and expense reports from inception to date so that I can inspect them for purposes of filing any appropriate statement with the Court (or Special Master if one is appointed). This is the last time I am going to ask for this information; if it is not forth coming I will file an appropriate motion with the Court.

# Case 4:07-cv-05944-JST Document 5023-9 Filed 11/11/16 Page 11 of 14

I would also like to receive the common fund accounting, including all contributions by firm and all payments, as well as copies of all bank statements.

Thank you.

Fran

#### **Cate Cusick**

From:

Francis Scarpulla

Sent:

Friday, November 13, 2015 3:39 PM

To:

Mario Alioto

Cc:

Josef Cooper; Tracy Kirkham; John Bogdanov; Patrick Clayton

Subject:

CRT

#### Mario:

Given the Court's recent order, for the fourth time, I hereby request that you send me the time-and-expense reports submitted by all IPP counsel, including all contemporaneously-maintained time sheets. I know that certain counsel reported on a regular basis their time and expenses to an accounting firm you engaged to gather and report time-and-expenses by firm. I want that information too. I also want all bank statements showing the deposits from any source, including assessment payments, as well as payments by the DAPs for access to our database. I also want all accounting of payments from all accounts into which such funds were deposited. You have until Monday, November 15th, at 12 noon to agree to this request, because time is of the essence if we are to complete our analysis of not only the settlement issues we have raised, but also the fee issues currently before the Special Master.

Thank you.

Fran.

Law Offices of Francis O. Scarpulla 456 Montgomery Street, 17<sup>th</sup> Floor San Francisco, CA 94104 Telephone: (415) 788-7210

Facsimile: (415) 788-0706

Cooper & Kirkham, PC 357 Tehama Street, Second Floor San Francisco, CA 94105 Telephone: (415) 788-3030

Facsimile: (415) 882-7040

November 30, 2015

Via E-Mail: malioto@tatp.com

Mario N. Alioto, Esq. Trump, Alioto, Trump & Prescott, LLP 2280 Union Street San Francisco, CA 94123

Re:

In re: Cathode Ray Tube (CRT) Antitrust Litigation

Case No. 3:07-cv-5944 JST

Dear Mario:

Please reference Special Master Quinn's recent order requiring you to produce contemporaneously-maintained time records for the so-called Late-Added-Three firms, as well as for all billers under your firm's name for the years 2014 and 2015 through the date of an agreement in principle for the settlement of the final claims of the IPP Class.

We know that all time records were sent electronically to the accounting firm you hired, identified only as sipcpa@earthlink.com, and therefore we assume these time reports will be delivered in electronic form as Special Master Quinn has required. In order to make these electronic files useable, please provide the following: file type to be produced (e.g., .XLS spreadsheets), computer program required to read the files (e.g., Microsoft Excel), and whether the files are word-searchable.

Thank you for your prompt response.

Sincerely,

/s/ Francis O. Scarpulla Francis O. Scarpulla

/s/ Josef D. Cooper Josef D. Cooper

#### FOS/cpc

cc: Special Master Martin Quinn (via email)
Patrick B. Clayton, Esq. (via email)
Tracy R. Kirkham, Esq. (via email)
John D. Bogdanov, Esq. (via email)

#### Members:

Brian Joseph Barry

**Brian Sund** 

Christopher Lovell

Christopher T. Micheletti

Daniel Edward Birkhaeuser

Daniel R. Karon

**David Boies** 

**Dennis Stewart** 

Diane E. Pritchard

Eric J. Pickar

Fred Furth (fredpfurth@gmail.com)

Gary Mason

Gerard A. Dever

Jack W. Lee

James Wyatt

Jennie Lee Anderson

Joel Flom

John C. Lemaster

Josef D. Cooper

Joseph Goldberg

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Manfred P. Muecke

Mario N. Alioto

Marvin A. Miller

Mary G. Kirkpatrick

Michael G. Simon

Neda Shakoori

Paul F. Novak

R. Brent Irby

Robert G. Methvin, Jr.

Robert J. Gralewski, Jr.

Robert S. Green

Robert Schubert

Seymour J. Mansfield

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Shpetim Ademi Susan G. Kupfer

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